

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Rodney R. Mineweaser
Debtor(s)

Bankruptcy Case No.: 19-11223-TPA
Per January 28, 2020 Proceeding
Chapter: 13
Docket No.: 20 - 5
Concil. Conf.: 7/7/20 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 12, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☒ B. The length of the Plan is increased to a total of 60 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 7/7/20 at 09:30 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: January 30, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Rodney R. Mineweaser
 Debtor

Case No. 19-11223-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

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 Total Noticed: 34

Date Rcvd: Jan 30, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 01, 2020.

db
 15170375 +Rodney R. Mineweaser, 125 Brogan Street, Summerville, PA 15864-6413
 15170378 +APEX Asset Management, LLC, P.O. Box 5407, Lancaster, PA 17606-5407
 15170377 +Barclays Bank Delaware, 125 S West Street, Wilmington, DE 19801-5014
 15170381 +Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803
 15170382 CBCS, P.O. Box 2724, Columbus, OH 43216-2724
 15170383 Citi Cards, P.O. Box 9001037, Louisville, KY 40290-1037
 15170386 +CitiBank, NA/CitiGroup, Inc., 100 Citibank Drive, San Antonio, TX 78245-3202
 15170387 +Farmers National Bank, 612 Main Street, P.O. Drawer D, Emlenton, PA 16373-0046
 15170388 +J P Morgan C B Auto, P.O. Box 901003, Fort Worth, TX 76101-2003
 15170390 +Law Offices of Frederic I. Weinberg & As, 375 E Elm Street, Suite 210,
 Conshohocken, PA 19428-1973
 15170391 +Lending Club, 595 Market Street, Suite 200, San Francisco, CA 94105-2807
 15170392 +Midland Credit Management, Inc., P.O. Box 51319, Los Angeles, CA 90051-5619
 15170394 Mortgage Electronic Registration Systems, P.O. Box 2026, Flint, MI 48501-2026
 15170395 +Penn Highlands Brookville, 100 Hospital Road, Brookville, PA 15825-1367
 15170396 +Penn Highlands Brookville, P.O. Box 3345, Indianapolis, IN 46206-3345
 15170397 +Penn Highlands DuBois, P.O. Box 447, Du Bois, PA 15801-0447
 15170398 +Penn Highlands DuBois, 1605 N Cedar Crest Boulevard, Suite 110B, Allentown, PA 18104-2351
 15170399 +Pennymac Loan Services, LLC, 3043 Townsgate Road, Suite 200,
 Westlake Village, CA 91361-3027
 15187833 +S & T Bank, 800 Philadelphia Street, P.O. Box 190, Indiana, PA 15701-0190
 15170400 +S&T Bank, c/o S&T Bank Consumer Collections, 355 North Fifth Street,
 Indiana, PA 15701-1940
 15170403 +Sears Credit Cards, P.O. Box 9001055, Louisville, KY 40290-1055
 +Tidewater Mortgage Services, Inc., 200 Golden Oak Court, Suite 100,
 Virginia Beach, VA 23452-6756

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr
 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 31 2020 03:29:30
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15170376 +E-mail/Text: legal@arsnational.com Jan 31 2020 03:15:25 ARS National Services, Inc.,
 P.O. Box 469100, Escondido, CA 92046-9100
 15170379 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 31 2020 03:17:38 Capital One,
 P.O. Box 30285, Salt Lake City, UT 84130-0285
 15170380 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 31 2020 03:18:10
 Capital One Bank (USA) NA, P. O. Box 71083, Charlotte, NC 28272-1083
 15174798 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 31 2020 03:18:45
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15170384 +E-mail/Text: documentfiling@lciinc.com Jan 31 2020 03:15:09 Comcast, P.O. Box 3002,
 Southeastern, PA 19398-3002
 15176448 +E-mail/Text: G06041@att.com Jan 31 2020 03:16:28 Directv, LLC,
 by American InfoSource as agent, PO Box 5072, Carol Stream, IL 60197-5072
 15170385 +E-mail/Text: bknotice@ercbpo.com Jan 31 2020 03:16:10 ERC, P.O. Box 23870,
 Jacksonville, FL 32241-3870
 15170389 +E-mail/Text: bk@lendingclub.com Jan 31 2020 03:16:31 Lending Club,
 71 Stevenson Street, Third Floor, San Francisco, CA 94105-2985
 15170393 +E-mail/PDF: gecsed@recoverycorp.com Jan 31 2020 03:17:34 PayPal Credit, P.O. Box 71202,
 Charlotte, NC 28272-1202
 15170401 +E-mail/PDF: gecsed@recoverycorp.com Jan 31 2020 03:18:42 Synchrony Bank,
 Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060
 15171041 +E-mail/PDF: gecsed@recoverycorp.com Jan 31 2020 03:17:35 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 PENNYMAC LOAN SERVICES, LLC
 15170402* Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
 TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

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District/off: 0315-1

User: jmar
Form ID: 149

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Total Noticed: 34

Date Rcvd: Jan 30, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 01, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 30, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PENNYMAC LOAN SERVICES, LLC bkgroup@kmlawgroup.com
Joseph H. Ellermeyer on behalf of Debtor Rodney R. Mineweaser josephellermeyer@yahoo.com,
carolhimes@hotmail.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4